IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7051 of 2006()

CMP.8550/2006 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.270/06 OF CHADAYAMANGALAM POLICE STATION

.....

PETITIONER/ACCUSED NO.1

ANILKUMAR @ KANNAN,
AGED 30 YEARS, S/O.SUKUMARA PILLAI,
KALLOORKONATHU VEEDU, POREDOM, CHADAYAMANGALAM.

BY ADV. SRI.P.K.REJITH KUMAR

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7051 OF 2006

DATED THIS THE 30th DAY OF NOVEMBER, 2006

O R D E R

Petitioner who is the first accused in Crime No.270/06 of Chadayamangalam Police Station for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in possession along with the second accused 2065 litres of spirit on 15.8.2006, seeks bail. He had been arrested in some other crime and his formal arrest in this case case was recorded on 3.11.2006.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in two other crimes of similar nature involving spirit.

3. It is too early to accept the petitioner's contention that he is a poor autorickshaw driver and residing in a hut and that the case has been falsely foisted against him.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This petition is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn